

**Supplemental  
Notice of Allowability**

Application No.

09/716,682

Examiner

Scott Beliveau

Applicant(s)

PETERKA, PETR

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 24 January 2005.
2. ☒ The allowed claim(s) is/are 1-4, 6-9, 11-15 and 17 (renumbered as 15, 2, 3, 1, 4, 8, 7, 9, 11, 12, 5, 13, 10 and 14).
3. ☒ The drawings filed on 24 January 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was originally given in a telephone interview with Douglas M. McAllister on 15 February 2005. During a subsequent conversation with Douglas M. McAllister on 03 March 2005, it was brought to the examiner's attention that the word "whether" was mistakenly redacted in claim 17 pursuant to the amendment to the claims under Final Rejection. Accordingly, a supplemental examiner's amendment is set forth herein so as to correct the oversight.

2. The application has been amended as follows based upon the version of the claims of 20 August 2004:

1. (Currently amended) A security method for controlling access to a function of a digital television receiver, comprising the steps of:

- (a) providing a software application at the receiver; said software application being executable in response to an execution command;

- (b) receiving data at the receiver from a headend, said data defining a condition of the receiver under which access to the receiver function by the software application is permitted;

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- (c) receiving information at the receiver from the headend, said information defining a security policy for said software application which contains a set of permissions for said software application;
  - (d) providing a control signal for requesting access to the receiver function upon execution of said software application;
  - (e) in response to said control signal, determining whether the security policy for the software application contains a permission for the software application to access the receiver function;
  - (f) if said security policy contains said permission:
    - (i) determining whether said condition of the receiver is met by data indicative of a current state of the receiver;
    - (ii) allowing the software application to access the receiver function if the condition is met; and
    - (iii) preventing the software application from accessing the receiver function if the condition is not met; and
  - (g) if said security policy does not contain said permission, preventing the software application from accessing the receiver function;
- wherein said condition of the receiver indicates a conditional access state of the receiver; and said conditional access state comprises at least one of: a blackout state and a pay-per-view state.

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2. (Currently amended) The method of claim 4[[1]], wherein said condition further indicates a conditional access state of the receiver.

3. (Original) The method of claim 2, wherein said conditional access state comprises at least one of: a blackout state; a pay-per-view state; and an authorization state.

4. (Currently amended) ~~The method of claim 1;~~ A security method for controlling access to a function of a digital television receiver, comprising the steps of:

- (a) providing a software application at the receiver; said software application being executable in response to an execution command;
- (b) receiving data at the receiver from a headend, said data defining a condition of the receiver under which access to the receiver function by the software application is permitted;
- (c) receiving information at the receiver from the headend, said information defining a security policy for said software application which contains a set of permissions for said software application;
- (d) providing a control signal for requesting access to the receiver function upon execution of said software application;
- (e) in response to said control signal, determining whether the security policy for the software application contains a permission for the software application to access the receiver function;
- (f) if said security policy contains said permission;

- (i) determining whether said condition of the receiver is met by data indicative of a current state of the receiver;
  - (ii) allowing the software application to access the receiver function if the condition is met; and
  - (iii) preventing the software application from accessing the receiver function if the condition is not met; and
- (g) if said security policy does not contain said permission, preventing the software application from accessing the receiver function;
- wherein said condition of the receiver indicates a user state of the receiver; and
- said user state comprises comprising at least one of: user preferences, a user password, and a user identifier.

5. (Cancelled).

6. (Currently amended) The method of claim 5 4, wherein: said condition of the receiver further indicates at least one of a time, date, and day.

7. (Currently amended) The method of claim ~~[[4]]~~ 8, wherein: said condition of the receiver is defined, at least in part, by said software application.

8. (Currently amended) ~~The method of claim 1;~~ A security method for controlling access to a function of a digital television receiver, comprising the steps of:

- (a) providing a software application at the receiver; said software application being executable in response to an execution command;
- (b) receiving data at the receiver from a headend, said data defining a condition of the receiver under which access to the receiver function by the software application is permitted;
- (c) receiving information at the receiver from the headend, said information defining a security policy for said software application which contains a set of permissions for said software application;
- (d) providing a control signal for requesting access to the receiver function upon execution of said software application;
- (e) in response to said control signal, determining whether the security policy for the software application contains a permission for the software application to access the receiver function;
- (f) if said security policy contains said permission:

  - (i) determining whether said condition of the receiver is met by data indicative of a current state of the receiver;
  - (ii) allowing the software application to access the receiver function if the condition is met; and
  - (iii) preventing the software application from accessing the receiver function if the condition is not met; and
- (g) if said security policy does not contain said permission, preventing the software application from accessing the receiver function;

wherein said condition of the receiver indicates that one of a channel and a group of channels is tuned by the receiver.

9. (Currently amended) The method of claim + 8, wherein: the software application is downloadable to the receiver via a broadband television network.

10. (Cancelled).

11. (Currently amended) The method of claim + 8, wherein: the software application comprises a Java code.

12. (Currently amended) The method of claim + 8, wherein: the execution command is initiated by a user.

13. (Currently amended) The method of claim + 4, wherein: the permission is associated with a user of the receiver.

14. (Currently amended) The method of claim + 8, wherein: the condition of the receiver is embedded in code that defines the permission.

15. (Currently amended) The method of claim + 8, wherein: the software application is multicast to a receiver population including said receiver.

16. (Cancelled).

17. (Currently amended) A security apparatus for controlling access to a function of a digital television receiver, comprising:

- (a) means for providing a software application at the receiver;  
said software application being executable in response to an execution command;
- (b) means for receiving data at the receiver from a headend, said data defining a condition of the receiver under which access to the receiver function by the software application is permitted;
- (c) means for receiving information at the receiver from the headend, said information defining a security policy for said software application which contains a set of permissions for said software application;
- (d) means for providing a control signal for requesting access to the receiver function upon execution of said software application;
- (e) means for determining, in response to said control signal, whether the security policy for the software application contains a permission for the software application to access the receiver function;
- (f)(i) means for determining whether said condition of the receiver is met by data indicative of a current state of the receiver when said security policy contains said permission;



(f)(ii) means for allowing the software application to access the receiver function if the condition is met, and when said security policy contains said permission;

(f)(iii) means for preventing the software application from accessing the receiver function if the condition is not met, and when said security policy contains said permission; and

(g) means for preventing the software application from accessing the receiver function if said security policy does not contain said permission;

wherein said condition of the receiver indicates that one of a channel and a group of channels is tuned by the receiver.

*Allowable Subject Matter*

3. The following is an examiner's statement of reasons for allowance:

The closest art of record or combined teachings of Thrift et al., Gong, and Ahmad as applied to the Final Rejection fails to teach or suggest that the "condition of the receiver" particularly comprises the particular categories and associated elements as claimed. The references as applied generally are limited to scenarios utilizing dynamic time based conditions wherein the user/receiver is authorized to utilize an interactive application. Accordingly, there is no motivation or suggestion for modification of the condition to indicate a "conditional access state . . . [indicating] at least one of: a blackout state and a pay-per-view state" (Claim 1), a "user state . . . [indicating] at least one of: user preferences,

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a user password, or a user identifier” (Claim 4) or a “condition . . . [indicating] that one of a channel and a group of channels is tuned by the receiver” (Claims 8 and 17).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SEB

March 3, 2005



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